

## Summary of Siebel and J.D. Edwards Customer License Terms

### LICENSES FOR SIEBEL SOFTWARE

<u>License Terms</u>	<u>Limited To Customer's Business Operations</u>	<u>Limited To Customer's System</u>	<u>Limitation On Offsite Copies</u>
Number of Customers with License Agreements: <sup>1</sup> 36	36 of 36:  Licenses grant the customer a license to use the software solely for the customer's "own business operations" or "internal business operations" or "own business activities"	33 of 36: <sup>2</sup>  Licenses grant the customer a license to use the software (1) "solely on the Designated System, or on a backup system if the Designated System is inoperative," and "Designated System" is defined as the customer's systems, or (2) "on the Supported Platform," defined to mean "the hardware and software platforms (e.g., database server systems, application server systems, and client systems) that operate with the Programs," or (3) any "third party is limited to use of the Programs" "only as configured and deployed by Customer"	33 of 36: <sup>3</sup>  Licenses allow for either "one" or a "reasonable number" of copies of the software "solely" for "archive," "emergency back-up," "testing" or "disaster recovery" purposes

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<sup>1</sup> There are 48 Siebel Rimini customers at issue in this case, but after a diligent search Oracle was unable to locate 12 Siebel customers' licenses (Albridge Solutions, Beekley Corporation, Doble Engineering, DST Health Solutions, Harlequin Enterprises, Internet Brands, Medical Protective, Restoration Hardware, Sam Houston Electric Cooperative, SonicWall, USI-EDF and Wenger Manufacturing).

<sup>2</sup> The other three are Deutsche Post, Industrial Scientific and Wells Real Estate Funds.

<sup>3</sup> The other three are Deutsche Post, Industrial Scientific and Wells Real Estate Funds.

**LICENSES FOR J.D. EDWARDS SOFTWARE**

<b><u>License Terms</u></b>	<b><u>Limited To Customer's Business Operations</u></b>	<b><u>Limited To Customer's System</u></b>	<b><u>Limitation On Offsite Copies</u></b>
Number of Customers with License Agreements: <sup>4</sup> 69	69 of 69:  Licenses grants the customer a license to use the software solely for the customer's "internal business operations," or customer's "data processing operations," or "not for the benefit of any third party," or prohibit third party use "to operate their own business" or prohibit use of the software "by others . . . except for Customer's . . . purposes" or "by others without the express written permission of JDE"	66 of 69: <sup>5</sup>  Licenses limit use of the software to "Customer's System" or "the Designated Processor(s) identified in [] Attachments," or "on a single . . . computer processing unit," or "on one or more servers and/or workstations located as facilities owned or leased by" customer, or "on each server at the Site" (where "Site" means a specific, physical location of customer's server), or "at its facilities"	67 of 69: <sup>6</sup>  61 of 69: Licenses allow for "a reasonable number of copies necessary for Customer's backup, archival and in-house disaster recovery purposes," or do not permit copying except "for Customer's production, backup, archival and in-house disaster recovery purposes" or "except for backup, archival or emergency restart purposes" or "except to the extent necessary for Customer's archival needs" or "except for one complete copy for backup, archival and disaster recovery purposes"  6 of 69: <sup>7</sup> No offsite copies allowed

<sup>4</sup> There are 71 J. D. Edwards Rimini customers at issue in this case, but after a diligent search Oracle was unable to locate two of the customers' licenses (RS&I and F.A.P.S.).

<sup>5</sup> The other three are City of Waukesha, Maquet Cardiovascular and Reflexite Corporation.

<sup>6</sup> The remaining two are Maquet Cardiovascular and Reflexite Corporation.

<sup>7</sup> AGCO Corporation, Argent Management, Hoover Materials Handling Group, Inc., Jones Lang LaSalle Americas, Inc., M.Z. Berger, Wellman, Inc.